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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ANTOLIN ANDREW MARKS,
10 Petitioner,
11 v.
12 ERIC H. HOLDER, JR., *et al.*,
13 Respondents.

No. MC08-5045

ORDER

14 This matter comes before the Court *sua sponte*. On March 24, 2008, the
15 Honorable Franklin D. Burgess, United States District Court Judge, entered an order barring
16 petitioner from litigating in this district unless he provides a “signed affidavit, along with the
17 proposed complaint, verifying under penalty of perjury that none of the issues raised in the
18 proposed complaint have been litigated in the past by the [p]laintiff.” Petitioner was also barred
19 from proceeding *in forma pauperis* with a civil rights, Bivens, or Federal Tort Claim Act action
20 unless he shows that he is in imminent danger of serious bodily injury or death. At the end of
21 April 2009, petitioner filed petitions for writs of mandamus in the United States District Court
22 for the District of Connecticut, the District of Columbia, and the Northern District of Illinois.
23 Those actions were subsequently transferred to this district. Dkt. # 29, 32, and 34 respectively.
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ORDER

1 Although the proposed petitions vary in some respects,¹ they are substantially similar and seek
2 judicial declarations that (a) petitioner has a right to “an immediate and swift though painless
3 death” and (b) Congress exceeded its constitutional authority when it enacted legislation
4 regarding the removal of aliens from the United States. These petitions are now before the
5 undersigned for review pursuant to the terms of the bar order.

6 In an almost identical litigation pending before the Honorable James L. Robart,
7 United States District Judge, petitioner notified the court that he has been released from ICE
8 custody and acknowledged that the claims asserted in the proposed petitions are now moot. See
9 Marks v. Holder, C09-0748JLR (Dkt. # 14). The mandamus petitions first filed in the District of
10 Connecticut (Dkt. # 29), District of Columbia (Dkt. # 32), and the Northern District of Illinois
11 (Dkt. # 34) shall not, therefore, be permitted to proceed. The Clerk of Court shall docket this
12 order in MC08-5045. Neither the Clerk of Court nor defendants need take any further action
13 with regards to these matters.

14 Dated this 17th day of July, 2009.

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17 Robert S. Lasnik
18 Chief Judge, United States District Court
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26 ¹ The petition filed in the District of Columbia (Dkt. #32), for example, does not contain a
certification that the claims have not yet been litigated and is missing pages 25-37 and 39.